

**TOWN OF SUPERIOR
PLANNING AND ZONING COMMISSION MEETING
THURSDAY, MARCH 19, 2015, 6:00 PM
MINUTES**

CALL TO ORDER

Vice Chairperson, Joy Eveland called meeting to order at 6:05 pm.

PLEDGE OF ALLEGIANCE

Vice Chairperson, Joy Eveland led everyone in the Pledge of Allegiance.

INVOCATION

Commissioner Bruce Armitage gave the Invocation.

ROLL CALL

Chairman	Matt Mashaw
Co-Chairman	Joy Eveland
Commissioner	Bruce Armitage
Commissioner	James Bordenave-Absent
Commissioner	Sherry Figdore
Commissioner	Sandra Doyle
Commissioner	Gina Lopez

STAFF ATTENDANCE

Town Manager	Margaret Gaston
Zoning Administrator	Lawrence Tomasello
Town Staff	Nora Miramon

PUBLIC ATTENDANCE

Pastor Albert Rodriquez
Rose Rodriquez
Scott Johnson

CONSENT AGENDA

1. **Approval of March 19, 2015 regular meeting minutes.**
Commission members pointed out some corrections that needed to be made before motion was noted.
Motion to approve Consent agenda with amended minutes made by Commissioner Armitage, second by Commissioner Lopez, motion carries.

NEW BUSINESS

1. **Public hearing to consider various amendments to Articles V, VI, VII, VIII, IX, X, XII.; ADD TO ARTICLE XIII, Revise Table No. 1 of Article V in the Town's Zoning Ordinance to change building heights in all R1 Zone Districts from 24 feet to 35 feet.**

Mr. Tomasello stated that there were two items to be discussed. The first one dealt with height limits in single family residential zone districts. The code requires a maximum of 24 feet; however the Council previously approved a change in the ordinance to allow a height of 35 feet in the R1-190 zone district. Staff discussed this issue and agreed to make a recommendation to the Commission that would permit a maximum height limit of 35 feet for all single family residential zone districts. The Commission needs to determine if this is an appropriate height limit for all R1 zone districts.

Vice Chairperson Joy Eveland said that she believed this was cleared up when Matt Mashaw applied to build on his property at the corrals, and was turned down by Roy Chavez, the Town Manager at the time. Joy asked Mr. Tomasello what his recommendation was. Mr. Tomasello said he didn't make one but that he thought a 35 foot height limit would be OK across the board. He felt that 24 feet is really restrictive because if someone wanted to have a pitched roof it may well exceed that 24 foot limit. Anything between 30 and 35 feet is fine but in larger acreage parcels 5 feet one way or another really wouldn't matter. It could also be different for different zone districts. For example it could be 35 feet for larger parcels and 30 feet for smaller ones, which would be OK, or the Commission could recommend doing nothing and leave it as is.

Commissioner Eveland said she believed it needed to go higher. She would like to ask the Commissioners what they would like to do. She also asked the public if anyone had anything to say regarding this item.

Commissioner Armitage said he would like to have the lower 30 foot height on the smaller parcels because that is where most of the congestion is. He believes that in larger parcels if people wanted to go higher, it gives them a little more flexibility in the code.

Commissioner Figdore, said it sometimes depends on geography up here; where she lives if everybody has 35 foot high houses they could sometimes feel squished in.

Mr. Tomasello suggested in that case to zone the R1-190, the R1-108, and the R1-43 to be 35 feet and all other R1 zone districts to be 30 feet.

Commissioner Armitage asked on smaller acreage for multiple dwellings that are kind of restricted, if someone would request a 3 story building, is there a way to word it so they can come to the Town Manager and get approval based on the fact that it is not going to block someone else's view, and it is not going to be unsightly in the area it would be in? Could they apply for a variance?

Mr. Tomasello said that this wasn't the issue before the Commission tonight. The issue before the Commission only addresses R1 zone districts. He also stated that in order to grant a variance, it has to be based on hardship and not on a desire to exceed code requirements. Simply building beyond the height limitation would not constitute a hardship. The R1-190, R1-108 and the R1-43 are large lots so the 35 foot limitation would apply and the R5- thru R15 are smaller lots where the 30 foot height limit would apply.

Commissioner Doyle said she had no problem with the 35 feet, however she was talking about the TC zone district. She was informed that there were no proposed changes in the TC zone district and that issue was not on the agenda tonight. A question arose as to who would do inspections, the County or the Town? It would be the County for all building inspections.

Mr. Tomasello stated that the second issue was based on a request for solar equipment. There is no provision in the Code for solar equipment. The Commission is to review a proposed amendment to the Code that provides for solar siting. He said he basically took a model ordinance and tailored it to fit the Town. What this will do is allow people to put solar equipment on their property if they want to.

Mr. Tomasello stated the inspections for solar siting would be carried out by the County Building Department. The building inspector would check the equipment that would be installed by a qualified person or a licensed contractor. If the Commission recommends adoption of solar siting to the Council and the Council approves it, then it would become part of the Zoning Ordinance.

Commissioner Figdore asked if there is there any provision for wind turbines/windmills in the Town. Mr. Tomasello said no there is not. We would have to basically go through the same process for wind generators as we are doing for solar equipment.

Vice Chairman Eveland asked if anyone from the public had any comments or questions. There were none and Vice Chairman Eveland closed the public hearing.

Margaret Gaston, Town Manager; Resolution No. 15-02 A resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council amend Ordinance 14-125 (Zoning Ordinance) of the Town Code by approving Zone Change No. 2015-02 as amended.

Motion by Commissioner Figdore, second by Commissioner Armitage to approve Resolution No. 15-02 as amended; a Resolution of the Planning and Zoning Commission of the Town of Superior recommending that the Town Council amend Ordinance 14-125 (Zoning Ordinance) of the Town Code by approving Zone Change No. 2015-02.

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Motion carries:

6 – Yes votes

0 – Nays

1 – Absent

CALL TO THE PUBLIC

Albert Rodriquez-Mr. Rodriquez grew up in Superior and he is the Pastor of the Superior Harvest Church on Hill Street. His thought for the Commission is this; his church on Hill Street and Stone Avenue is growing. Where other churches around the country are dropping in growth, his is actually growing in numbers. For the last couple of weeks he has had 136 people. They are running out of room. The children are having their Sunday school classes in the kitchen. What they would like to do is put in some modular buildings for these classrooms. If this is not possible, then the owner of the property next to the church has offered to sell him the property for expansion. He just wants to see what his options are and would like to do things by code.

Mr. Scott Johnston, who is from Chandler, Arizona, has been coming to Superior Harvest Church for 15 plus years. Mr. Rodriquez is applying for expansion of the church and wants to go thru the proper channels. He is seeking approval and is here to support Mr. Rodriquez's efforts. Mr. Rodriquez has supported the Town of Superior in many different ways. His love for this community and the people of this Town is genuine.

Margaret Gaston, Town Manager said we just received the information yesterday. She is going to forward this information to Mr. Tomasello, then he will review it. Once he has done this he will make any recommendations to Mr. Rodriquez and go from there. If they meet all of the zoning requirements, the Planning and Zoning Commission will not have to review this.

Mr. Tomasello's initial review of this project will come under staff review. For now, there is nothing for the Commission to look at or consider. He is just introducing a concept. One of the things to consider is that a church is permissible but the classrooms are considered as an accessory to the church. The church being on one property and the classrooms on an adjacent property could in itself create a problem. The other issue is it cannot be introduced as a modular home because it would have to be a permanent structure. What we need from them is a site plan showing the placement of all buildings, parking areas, and landscaping.

Chairman Mashaw closed the call to the public with no other questions or comment from anyone.

Chairman Mashaw asked if they were going to schedule a workshop.

There was a brief discussion as to what the Commission would like to discuss at a workshop. The next regularly scheduled meeting will be the 16th of April and if time permits, we can do a workshop at that time. Mr. Mashaw stated he would like to look at Articles 14, 15 and 16.

Information item: Mr. Tomasello- Approval of the Zoning Ordinance actually appointed the Planning and Zoning Commission to be the Board of Adjustment. On the next meeting The Board should appoint Chairman and Vice Chairman for that Board. However a revision to the Zoning Ordinance will be presented to the Commission at its next meeting on April 16, 2015, that would install the Town Council as the Board of Adjustment along with procedures and duties.

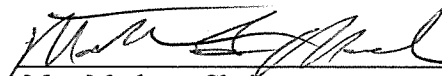
Commissioner Doyle said she has people stop by her house complaining about people's property in several areas around town. Is she correct that the Chief will be in charge of Code enforcement? Can she take complaints to the police department or do individuals have to do that for themselves?

Town Manager Ms. Gaston- Yes the Chief is in charge of Code enforcement. There are complaint forms at Town Hall. Customers fill those out and staff can forward the forms to the Police Department. Commissioner Doyle stated if someone wants a complaint form a Commissioner can give them out but really shouldn't fill them out for others. You can also pick one up and drop it off at the Police Department.

ADJOURNMENT

Motion to adjourn the meeting made by Commissioner Joy Eveland, second by Commissioner Sandra Doyle, motion carries.

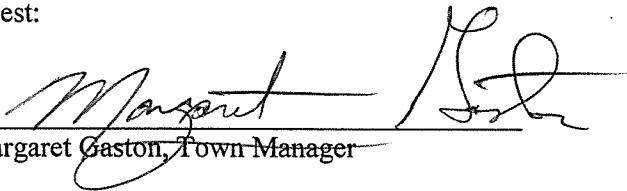
Meeting adjourned at 6:50 pm.



Matt Mashaw, Chairman

Lawrence Tomasello, Zoning Administrator

Attest:



Margaret Gaston, Town Manager